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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/423,014 | 01/18/2000 | LAURENT MARCQ | 19210/125/10 | 6235 |

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EXAMINER

GREEN, BRIAN

ART UNIT

PAPER NUMBER

3611

DATE MAILED: 01/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/423,014

Applicant(s)

MARCQ, LAURENT

Examiner

Brian K. Green

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 and 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22, 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Drawings

The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 11/7/02, some of the changes have been approved and some of the changes have been disapproved.

The changes to figure 1 have not been approved since a portion of member (16) should be shown in dotted lines since it would be covered by member (7). In figure 1 the applicant changed number 26 to number 13 so there are now two numbers 13 and they are directed to different elements which is improper. The changes to figure 7 have not been approved since the linking device (34) appears to be a single element as shown in figure 13. Figures 12 and 13 have not been approved since it is not clear why numeral 14 includes a dotted line as shown. The proposed drawing corrections for figures 14, 17, 26 and 27 have been approved.

The drawings are objected to because figure 1 fails to show how the flexible item is attached to the member 26. The same numerals are used to identify different elements in the drawings, i.e. the numeral 1 appears in almost all of the figures and it is directed to different elements. In figures 3, the lead line for numeral 9A does not appear to be pointing towards the edge of the poster. A proposed drawing correction or corrected drawings are required in reply to the Office action. The objection to the drawings will not be held in abeyance.

Specification

The substitute specification filed on 11/7/02 has been entered.

Claim Rejections - 35 USC § 112

Claims 1-22 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-24 are replete with indefinite errors to numerous to mention specifically. Examples of such errors are as follows: In claim 1, lines 3-4, "the display element" should be "the at least one display element". In claim 1, line 6, and throughout the claims, "devices" should apparently be "device". In claim 1, lines 9-11 are indefinite since it is not the fixing devices which receives the flexible item, it is the apertures (38,39) in the base. In claim 1, line 9, it is not clear what is meant by "an opposite elevation direction". In claim 1, line 13, there is no antecedent basis for "the side direction". In claim 1, lines 15-16, "at least two separate ground support devices" is confusing since it is not clear whether the applicant is referring to the ground support devices defined earlier in the claim or additional ground support devices. In claim 1, line 18, "a wide abutment base" is confusing since it is not clear whether the applicant is referring to the base defined earlier in the claim or an additional base. In claim 1, line 19, "a flexible structure item" is confusing since it is not clear whether the applicant is referring to the flexible structure item defined earlier in the claim or an additional structure item. In claim 1, line 22, "said base" is confusing since it is not clear which base is being referred to, i.e. base defined in line 6 or the wide abutment base. In claim 1, line 23, there is no antecedent basis for "the lower end". In claim 1, lines 23-24, flexible structure items is confusing since it is not clear whether this includes the structure item defined earlier in the claim. In claim 1, line 24, "the base" is confusing since it is not clear which base is being referred to, i.e. base defined in line 6 or the

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wide abutment base. In claim 2, lines 1-2, there is no antecedent basis for "the support devices of base" and "of base" is awkward. In claim 2, line 2, there is no antecedent basis for "the support devices of the lower hooking devices". In claims 2-22 and 24, line 1, there is no antecedent basis for "The set". Claims 3-22 and 24 have errors similar to those mentioned above and should be corrected.

Applicant's arguments filed 11/07/02 have been fully considered. The drawings still contain several errors and the claims are replete with indefinite errors.

Claim 1 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Claims 2-22 and 24 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (703) 308-1011. The examiner can normally be reached on M-F 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (703) 308-0629. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-4177.


BRIAN K. GREEN
PRIMARY EXAMINER

bkg
January 17, 2003